

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GREE, INC.,

Plaintiff,

v.

SUPERCELL OY,

Defendant.

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Case No. 2:19-cv-00237-JRG-RSP

ORDER

Currently before the Court are Objections filed by the parties to the following orders and reports of the Magistrate Judge:

I. OBJECTIONS AT DKT. NO. 228

Defendant Supercell Oy previously filed a Motion to Strike to Preclude GREE, Inc.'s Technical Expert, Dr. Robert Akl From Offering Undisclosed and Improper Opinions Regarding Claim Construction. (Dkt. No. 143.) Magistrate Judge Payne entered a Memorandum Order denying the motion. (Dkt. No. 215.) Supercell has now filed Objections (Dkt. No. 228), with Plaintiff GREE, Inc. filing a Response (Dkt. No. 235).

After reviewing the briefing on the motion, the Memorandum Order, and the briefing on Supercell's Objections, the Court agrees with the reasoning provided within the Memorandum Order and concludes that the Objections fail to show that the Memorandum Order was clearly erroneous or contrary to law.

Consequently, the Court **OVERRULES** Supercell's Objections (Dkt. No. 228) and **ADOPTS** Judge Payne's Memorandum Order (Dkt. No. 215).

II. OBJECTIONS AT DKT. NO. 229

GREE previously filed a Corrected Motion to Strike Portions of Expert Reports of Stacy Friedman Regarding Undisclosed Invalidity Opinions and Improper Claim Constructions. (Dkt. No. 149.) Magistrate Judge Payne entered a Memorandum Order granting-in-part the motion. (Dkt. No. 216.) Supercell has now filed Objections (Dkt. No. 229), with GREE filing a Response (Dkt. No. 236).

After reviewing the briefing on the motion, Judge Payne's Memorandum Order, and the briefing on Supercell's Objections, the Court agrees with the reasoning provided within the Memorandum Order and concludes that the Objections fail to show that the Memorandum Order was clearly erroneous or contrary to law. Consequently, the Court **OVERRULES** Supercell's Objections (Dkt. No. 229) and **ADOPTS** Judge Payne's Memorandum Order (Dkt. No. 216).

III. OBJECTIONS AT DKT. NO. 234

Supercell previously filed a Motion for Partial Summary Judgement of Invalidity under 35 U.S.C. § 102 for U.S. Patent No. 10,328,346 based on the Correct Priority Date of August 25, 2017. (Dkt. No. 144.) Magistrate Judge Payne entered a Report and Recommendation recommending denial of Supercell's motion. (Dkt. No. 227.) Supercell has now filed Objections (Dkt. No. 234), with GREE filing a Response (Dkt. No. 240).

After conducting a *de novo* review of the briefing on the motion, the Report and Recommendation, and the briefing on Supercell's Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** Supercell's Objections and **ADOPTS** the Report and Recommendation and orders that the Motion

for Partial Summary Judgement of Invalidity under 35 U.S.C. § 102 for U.S. Patent No. 10,328,346 based on the Correct Priority Date of August 25, 2017 (Dkt. No. 144) is **DENIED**.

IV. OBJECTIONS AT DKT. NO. 244

Supercell previously filed a Motion for Summary Judgment of Invalidity for Failure to Claim Patent-Eligible Subject Matter Under 35 U.S.C. § 101. (Dkt. No. 142.) Magistrate Judge Payne entered a Report and Recommendation recommending grant-in-part of Supercell's motion. (Dkt. No. 239.) Supercell has now filed Objections. (Dkt. No. 244).

After conducting a *de novo* review of the briefing on the motion, the Report and Recommendation, and the briefing on GREE's Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** GREE's Objections and **ADOPTS** the Report and Recommendation and orders that the Motion for Summary Judgment of Invalidity for Failure to Claim Patent-Eligible Subject Matter Under 35 U.S.C. § 101 (Dkt. No. 142) is **GRANTED-IN-PART**.

V. OBJECTIONS AT DKT. NO. 230


On March 10, 2021, Magistrate Judge Payne overruled GREE's objection to Supercell's trial exhibit DX-0130, and preadmitted the exhibit. On April 23, 2021, GREE requested reconsideration of the preadmission of DX-0130. GREE has now filed Objections (Dkt. No. 230), with Supercell filing a Response (Dkt. No. 237). Judge Payne also has now reconsidered the preadmission of DX-0130 and confirmed that the preadmission was proper. (Case No. 2:19-cv-00200-JRG-RSP, Dkt. No. 269 at 11–13).

After reviewing the briefing on GREE's Objections, the Transcript of Proceedings held on March 10, 2021 (Case No. 2:19-cv-00200-JRG-RSP, Dkt. No. 251), and Judge Payne's Order, the

Court agrees with the reasoning provided within the Order and concludes that the Objections fail to show that the Memorandum Order was clearly erroneous or contrary to law.

Consequently, the Court **OVERRULES** GREE's Objections. (Dkt. No. 230.)

So ORDERED and SIGNED this 29th day of April, 2021.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE